

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CR-58-BR
No. 5:18-CV-212-BR

SHAWNTANNA LEMARUS THOMPSON,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)

ORDER

This matter is before the court on the government's motion for judgment on the pleadings as to petitioner's initial 28 U.S.C. § 2255 motion, (DE # 83); petitioner's *pro se* motion for immediate release, (DE # 93); and petitioner's amended § 2255 motion filed with the assistance of counsel, (DE # 101).

The amended § 2255 motion supersedes the initial § 2255 motion, see Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001) ("The general rule . . . is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect."); Eaglin v. United States, No. 3:04-CR-0547-MBS, 2011 WL 489969, at *3 n.3 (D.S.C. Feb. 7, 2011) ("The Amended Motion to Vacate served to supersede and replace the original Motion to Vacate. Thereafter, the original Motion to Vacate did not perform any function . . ."), and moots the government's motion for judgment on the pleadings. Because counsel now represents petitioner, his motion for immediate release will be denied without prejudice to counsel renewing the motion.

The United States Attorney is DIRECTED to file an answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the amended § 2255 motion within 30 days. The government's motion for judgment on the pleadings is DENIED as moot. Petitioner's motion for immediate release is DENIED WITHOUT PREJUDICE.

This 15 June 2020.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge